

Law Offices of

CASSIDY C. FRITZ, P.C.

Mailing Address:

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Elkhart, Indiana 46515-1505

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358 South Elkhart Ave., Suite 200
Elkhart, Indiana 46516

Telephone (574) 293-0499

Fax (574) 296-7737

June 2, 2011

Via Federal Express

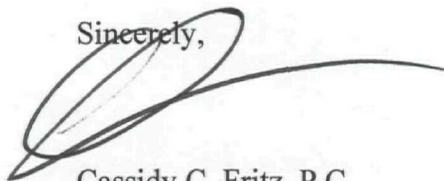
United States Environmental Protection Agency
c/o Grace Co
77 West Jackson Boulevard, (SE-5J)
Chicago, IL 60604-3590

RE: Cullip Industries, Inc.
Response to Request for Information Pursuant to Section 104(e) of
CERLA for Lusher Street Groundwater Contamination Site, Elkhart, Indiana

Enclosed please find the Answers to Enclosure 3 with supporting documentation requested under a letter received on May 5, 2011. This is being provided to you at the request of a Thomas C. Marks, Chief, Enforcement Services Section #2, Enforcement and Compliance Assurance Branch.

Please feel free to contact me with any questions, or John Cullip at Cullip Industries, whose address is 1900 Fieldhouse Avenue, Elkhart, Indiana 46517.

Sincerely,



Cassidy C. Fritz, P.C.

CCF:sem
Enc.

US EPA RECORDS CENTER REGION 5



412909

Answers To Enclosure 3

The answers to these questions are provided by John Cullip, 1900 Fieldhouse Avenue, Elkhart, Indiana 46517, who is the only current employee with knowledge concerning these matters.

1. From 1959 to 1987 the company was Cullip Tool and Die. In 1987 the company was incorporated as Cullip Tool and Die Inc. In 2000 the name was changed to Cullip Industries, Inc. ("Cullip"). The real estate was originally owned by Dale Cullip and Marie Cullip but was transferred to DarMar Properties, LLC in 2005. DarMar Properties has leased the real estate to Cullip since 2005. The company was primarily a tool and die shop making stamping dies. No production was done at the shop until 1982. In 1982, the company purchased one CNC machine. A 2nd CNC machine was added in 1985, and a 3rd CNC machine was added in 1992.
2. No. As explanation, however, from 1959 to present Cullip Industries has used very few cleaners and has never ordered or used any Chlorinated Solvents. Cullip's processes have never required any kind of degreasing because the material it machines comes to it as raw steel, aluminum, or cast iron in a ready to machine state free of oils or grease. As a tool and die shop, the only items used were water soluble coolant, cutting oil, and some waylube and gear lube for the machines. All of these were purchased in 5 gal containers. Most lasted 1-2 years with the coolant being purchased 1-3 times per year. Disposal was not necessary because coolant and cutting oil were applied with squirt cans and the heat of the tool burned up the coolant.
3. None, but in 1986, Cullip obtained a 300 gallon storage tank. When production at the facility started in 1982 more coolant was used but only a modest amount by buying 5 gal containers a few times per year. If coolant was changed in a machine the old coolant was taken to Berreth Oil Company by the company's truck. This method changed in 1986 when Cullip obtained a 300 gal storage tank from Berreth to put tramp oil in. Berreth would empty the tank 1-2 times per year. Berreth oil was purchased by Usher Oil who took over the servicing of Cullip's account. Usher oil sold the account to Polar environmental who takes care of the tank currently. Today, Cullip purchases coolant in a 55 gal drum approx. 4 times per year and cutting oil in a 55 gal drum approx. 2 times per year.

Cullip also purchased a small 15 gal parts cleaner in the 1990's. In that cleaner Cullip uses mineral oil and changes it out approximately one time each year. The used mineral oil is disposed of in Cullip's 300 gal tank. In 2007, Cullip changed its parts cleaner to Safety Kleen and began to use green cleaner in a parts cleaner they supply and service. Any cleaners used to clean machines are green- environmentally safe cleaners.

4. None
5. None
6. Marie Cullip, Bob Judson, Marvin Grable


7. We do not have any personal knowledge, but the following have been circulated as names in the community, but we can't say one way or another: The local Railroad yard, Valley Machine and Gemeinhardt Company, Inc.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquire of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The individual who prepared this response, who is the responsible corporate official acting on behalf of the corporation, has signed and dated the statement, affidavit, or certification below and has included his corporate official full title.

June 2, 2011



John Cullip, President

ELKO TITLE CORP.
130 NORTH MAIN STREET
P.O. BOX 575
GOSHEN, INDIANA 46527-0575
TELEPHONE (574) 533-3530
FAX (574) 534-0913

e-mail address: cgobble@yaub.com

FACSIMILE COVER SHEET

TO: Cassidy Fritz

FAX #: 296-7737

FROM: Chris Gobble

DATE: June 1, 2011

RE: CULLIP - 1900 Fieldhouse Avenue and adjacent lots

PAGES TRANSMITTED (including cover sheet):

(6)

If you are experiencing difficulties in receiving, please call (574) 533-3530 extension 2103. Thank you.

The pages comprising this facsimile transmission contain confidential information from Yoder Ainlay Ulmer & Buckingham, LLP and Elko Title Corp. This information is intended solely for the use by the individual entity named as the recipient hereof. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this transmission is prohibited. If you have received this transmission in error, please notify us by telephone immediately so we may arrange to retrieve this transmission at no cost to you.

7

ELKO TITLE CORP.

130 NORTH MAIN STREET
P.O. BOX 575
GOSHEN, INDIANA 46527-0575
TELEPHONE (574) 533-3530
FAX (574) 534-0913

M E M O R A N D U M

TO: Cassidy Fritz

FROM: Chris Gobble

DATE: June 1, 2011

SUBJECT: 1900 Fieldhouse Avenue and adjacent lots

The last deed of record conveyed Lots 52, 53, 54 & 55 of Fieldhouse's West Side Addition, to DaMar Properties, LLC, recorded October 11, 2005, as Instrument No. 2005-32447. Copies of the deed, Auditor's transfer card, and invoice follow.

Previously each lot had its own separate tax parcel number. On August 9, 2010, the Elkhart County Auditor combined all four into one parcel number, so the current number for all four lots is:

20-06-18-105-024.000-012

This deed and parcel number include the adjacent vacant lot as well.

If any questions, let me know. Thank you!

5-19-54-7 374C-16025
 20-06-18-105-024.000-012
 FIELDHOUSE WEST SIDE LOTS 52,
 53, 54 & 55

25-06-18-105-024

CULLIP, LOAL DALE & MARIE L.
 608 SILVER
 ELKHART, IND.

TIF

DATE	TRANSFER NUMBER	
25 06 18	105	024
12-20-93	6098	Cullip, Dale & Marie trustees of the Cullip Living trust
10-11-05	6108	DaMar Properties, LLC
8-9-10	Comb.	Combined with 105-021/022/023

POSTING DATE	REFERENCE	A-L	LAND/LOT	IMPROVEMENTS	GROSS VALUATION	EXEMPTIONS		NET VALUATION	% TAX
						KIND	AMOUNT		
3/1/62		L	280	3040	3320			3320	
3-1-65		L	280	3040	3320	M	1000	2320	
3-1-66		L	280	3040	3320	M	1000	2320	
3-1-67		L	280	3040	3320			3320	
3-1-69		L	350	3740	4090			4090	

FORM T-1

APPROVED BY STATE BOARD OF ACCOUNTS FOR ELKHART COUNTY - 1961

4-20-61

2005 32447

ELKHART COUNTY RECORDER
CHRISTOPHER J. ANDERSON
FILED FOR RECORD
AS PRESENTED

WARRANTY DEED

This Indenture witnesseth that Dale Cullip and Marie Cullip, husband and wife, and the Cullip Living Trust, by its Trustees, Dale Cullip and Marie Cullip, of Elkhart County in the State of Indiana, conveys and warrants to DaMar Properties, LLC, whose mailing address is 57873 Blue Heron Drive, Goshen, Indiana 46528 of Elkhart County in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the following described real estate located in Elkhart County, State of Indiana, to-wit:

See Exhibit "A" which is incorporated by reference as if fully appearing herein.

Subject to standard easements, all property taxes and other assessments of record, as well as all covenants, restrictions, zoning and use laws and liens, encumbrances and easements of record. Subject to the right-of-way of any and all streets, roads and highways.

Dated this 1st day of October, 2005.

Dale Cullip, POA TEE 3005-32446
Dale Cullip, Individually and as Trustee of the Cullip Living Trust
Marie Cullip
Marie Cullip, Individually and as Trustee of the Cullip Living Trust

Property Address:
1900 Fieldhouse
Elkhart, Indiana 46514

Address of Grantee:
57873 Blue Heron Dr
Goshen, IN 46528

State of Indiana, Elkhart County, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the above named Dale Cullip and Marie Cullip, husband and wife, and as Trustees of the Cullip Living Trust, dated December 31, 1998, and acknowledged the execution of the foregoing Warranty Deed this 1st day of October, 2005.

WITNESS my hand and notarial seal.

Cassidy C. Fritz
Cassidy C. Fritz, Notary Public
Residing in Elkhart County, Indiana

My Commission Expires:

8/9/2006

Prepared by Cassidy C. Fritz, Attorney, Post Office Box 1505, Elkhart, Indiana 46515-1505.

DISCLOSURE FEE PAID

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

10-11 2005
Dale C. Fritz AUDITOR
0066108

TRANSFER FEE 5.00
PARCEL NO. 2006-18-105-021 thru 024-000-012

Cassidy C. Fritz




Exhibit "A"

Lots numbered Fifty-two (52), Fifty-three (53), Fifty-four (54) and Fifty-five (55) as the said Lots are known and designated on the recorded Plat of FIELDHOUSE'S WEST SIDE ADDITION to Elkhart, Indiana; said Plat being recorded in Deed Record 115, page 477 of the Records in the Office of the Recorder of Elkhart County, Indiana.

Name Searched On:**CULLIP INDUSTRIES (Legal)****Current Information**Entity Legal Name:**CULLIP INDUSTRIES, INC.**Entity Address:**1900 FIELDHOUSE AVE, ELKHART, IN 46517****General Entity Information:**Control Number: **1987121213**Status: **Active**Entity Type: **For-Profit Domestic Corporation**Entity Creation Date: **12/23/1987**Entity Date to Expire:Entity Inactive Date:**This entity is current with Business Entity Report(s).****Other Names for this Entity:**

Date	Name (Type)
12/23/1987	MACHINING SPECIALTIES CO., MACHINING SPECIALISTS COMPANY (Assumed) / Elkhart County)
1/4/2000	CULLIP TOOL & DIE, INC. (Former)
3/13/2000	CULLIP TOOL & DIE, INC. (Assumed) / ELKHART County)

Additional Services Available:

	View additional information for the entity , including transaction history, merger information, registered agent, principals and corporate report information (years paid and years due).
	Generate an official Certificate of Existence/Authorization. There is a total fee of \$18.00 for <i>IN.gov</i> subscribers and a fee of \$19.38 for credit card users. <u>Example Certificate</u> . Please note that when an entity has a past due business entity report, the Certificate of Existence will indicate that the entity is not current. An entity is current if no reports are past due.
	Generate Copies of Business Entity Documents.
	Request Information Printouts or Certificates. There is no fee to place

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF INCORPORATION

OF

CULJIP TOOL & DIP, INC.

I, EVAN BAYH, Secretary of State of Indiana, hereby certify that Articles of Incorporation of the above corporation, have been presented to me at my office accompanied by the fees prescribed by law; that I have found such Articles conform to law; all as prescribed by the provisions of the

Indiana Business Corporation Law,

as amended.

NOW, THEREFORE, I hereby issue to such Corporation this Certificate of Incorporation, and further certify that its corporate existence will begin December 23, 1987.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, this Twenty-third day of December, 1987

EVAN BAYH, Secretary of State

By _____
Deputy

FILED
IND. SECRETARY OF STATE
CERTIFICATE NO
LONGER REQUIRED

ARTICLES OF INCORPORATION
OF
CULLIP TOOL & DIE, INC.

The undersigned incorporator, desiring to form a corporation (hereinafter referred to as the "Corporation"), pursuant to the provisions of the Indiana Business Corporation Law, as amended, executes the following Articles of Incorporation.

ARTICLE I

Name

The name of the Corporation is Cullip Tool & Die, Inc.

ARTICLE II

Registered Office and Agent

The street address of the Corporation's initial registered office in Indiana and the name of its initial registered agent at that office is:

Robert A. Pfaff
317 West High Street
Elkhart, IN 46516

ARTICLE III

Authorized Shares

Number of Shares: 1,000

The total number of shares which the Corporation is authorized to issue is one thousand (1,000). At least one class of shares is hereby authorized unlimited voting rights and is entitled to receive net assets of the Corporation upon dissolution.

ARTICLE IV

Incorporator

The name and post office address of the incorporator of the Corporation is:

Robert A. Pfaff
317 West High Street
P. O. Box 507
Elkhart, IN 46515

Dated at Elkhart, Indiana, this 22nd day of December,
1987.



Robert A. Pfaff

THIS INSTRUMENT WAS PREPARED BY ROBERT A. PFAFF, ATTORNEY AT LAW,
317 WEST HIGH STREET, P.O. BOX 507, ELKHART, IN 46515.

State of Indiana
Office of the Secretary of State

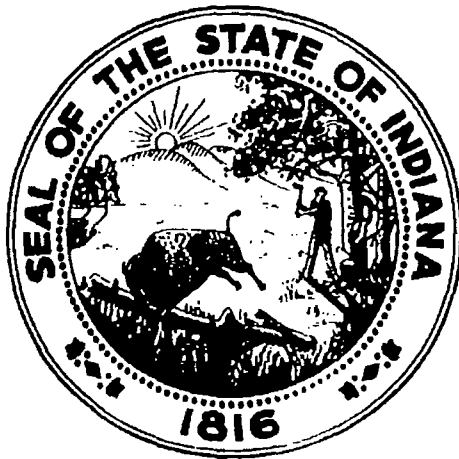
ARTICLES OF AMENDMENT
of
CULLIP TOOL & DIE, INC.

I, SUE ANNE GILROY, Secretary of State of Indiana, hereby certify that Articles of Amendment of the above For-Profit Domestic Corporation have been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Business Corporation Law.

The name following said transaction will be:

CULLIP INDUSTRIES, INC.

NOW, THEREFORE, with this document I certify that said transaction will become effective Tuesday, January 04, 2000.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, January 4, 2000.

Sue Anne Gilroy

SUE ANNE GILROY,
SECRETARY OF STATE

1987121213 / 2000010407320



ARTICLES OF AMENDMENT OF THE ARTICLES OF INCORPORATION

State Form 38323 (R7 / 4-95)

Approved by State Board of Accounts 1995

1987121213

SUE ANNE GILROY
SECRETARY OF STATE
CORPORATIONS DIVISION
302 W. Washington St. Rm. E018
Indianapolis, IN 46204
Telephone: (317) 232-6576

INSTRUCTIONS: Use 8 1/2" x 11" white paper for inserts.
Present original and one copy to address in upper right hand corner of this form.
Please TYPE or PRINT.

APPROVED
AND
FILED
Indiana Code 23-1-38-1 et seq.
Filing Fee: \$30.00

ARTICLES OF AMENDMENT OF THE ARTICLES OF INCORPORATION OF:	
Name of Corporation Cullip Tool & Die, Inc.	
The undersigned officers of: John D. Cullip	
(hereinafter referred to as the "Corporation") existing pursuant to the provisions of: (indicate appropriate act) <input checked="" type="checkbox"/> Indiana Business Corporation Law <input type="checkbox"/> Indiana Professional Corporation Act of 1983 as amended (hereinafter referred to as the "Act"), desiring to give notice of corporate action effectuating amendment of certain provisions of its Articles of Incorporation, certify the following facts:	
ARTICLE I Amendment(s)	
SECTION 1 The date of incorporation of the Corporation is: December 23, 1987	
SECTION 2 The name of the Corporation following this amendment to the Articles of Incorporation is: Cullip Industries, Inc.	
SECTION 3 The exact text of Article (X) I of the Articles of Incorporation is now as follows: <div style="text-align: center;">ARTICLE I Name The name of the Corporation is Cullip Industries, Inc.</div>	
SECTION 4 Date of each amendment's adoption: December 20, 1999	

(Continued on the reverse side)

ARTICLE II Manner of Adoption and Vote

Strike inapplicable section:

☐ SECTION 1 This amendment was adopted by the Board of Directors or incorporators and shareholder action was not required.

☒ SECTION 2 The shareholders of the Corporation entitled to vote in respect to the amendment adopted the proposed amendment. The amendment was adopted by:

A. Vote of such shareholders during a meeting called by the Board of Directors. The result of such vote is as follows:

1000	Shares entitled to vote.
1000	Number of shares represented at the meeting.
1000	Shares voted in favor.
0	Shares voted against.

B. Written consent executed on December 20, 19 99 and signed by all such shareholders.

ARTICLE III Compliance with Legal Requirements

The manner of the adoption of the Articles of Amendment and the vote by which they were adopted constitute full legal compliance with the provisions of the Act, the Articles of Incorporation, and the By-Laws of the Corporation.

I hereby verify, subject to the penalties of perjury, that the statements contained herein are true, this 20th day of December, 19 99.

Signature of current officer

John D. Cullip

Printed name of officer

John D. Cullip

Officer's title

Vice-President

FedEx

US Airbill

Express

 FedEx
Tracking
Number

8748 4303 6606

1 From This portion can be removed for Recipient's records.

 Date 6/2/11 FedEx Tracking Number 874843036606

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 Company CASSIDY C FRITZ ATTORNEY

 Address 358 S ELKHART AVE STE 200

 City ELKHART State IN ZIP 46516-3545

Dept./Floor/Suite/Room

2 Your Internal Billing Reference
3 To Recipient's Name clo Grace Co Phone _____

 Company United States Environmental Protection Agency

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 City Chicago State IL ZIP 60604-3590

0432168033



8748 4303 6606

Form 0215

Recipient's Copy

4a Express Package Service

* To most locations.

Packages up to 150 lbs.

- ☒ FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.
- ☐ FedEx First Overnight
Earliest next business morning delivery to select locations.*
- ☐ FedEx 2Day
Second business day.** Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

4b Express Freight Service

** To most locations.

Packages over 150 lbs.

- ☐ FedEx 1Day Freight
Next business day.** Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx 2Day Freight
Second business day.** Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx 3Day Freight
Third business day.** Saturday Delivery NOT available.

FedEx 1Day Freight Booking No. _____

5 Packaging

* Declared value limit \$500.

- ☒ FedEx Envelope* ☐ FedEx Pak* ☐ FedEx Box ☐ FedEx Tube ☐ Other
- Includes FedEx Small Pak and FedEx Large Pak.

6 Special Handling and Delivery Signature Options

- ☐ SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx Express Saver, or FedEx 3Day Freight.
- ☐ No Signature Required
Package may be left without signature obtaining a signature for delivery.
- ☐ Direct Signature
Someone at recipient's address may sign for delivery. *Fee applies.*
- ☐ Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. *Fee applies.*

Does this shipment contain dangerous goods?

- ☒ No ☐ Yes ☐ Yes ☐ Dry Ice ☐ Cargo Aircraft Only
- One box must be checked. As per attached Shipper's Declaration. Shipper's Declaration not required. Dry ice, 9, UN 1845 _____ x _____ kg
- Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

7 Payment Bill to:

- Sender Acct. No. in Section 1 will be billed. Enter FedEx Acct. No. or Credit Card No. below.
- ☒ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check
- Total Packages _____ Total Weight _____ lbs. _____ Credit Card Auth. _____

*Our liability is limited to \$100 unless you declare a higher value. See the current FedEx Service Guide for details.

605

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Callip Industries, Inc

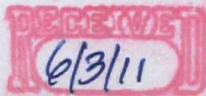
FedEx.

TRK#
0215

8748 4303 6606

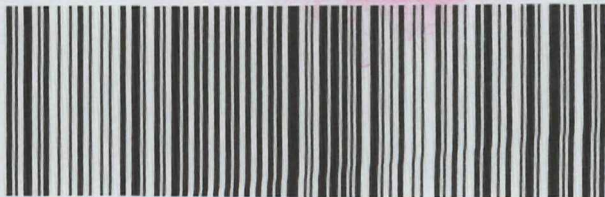
FRI - 03 JUN A1
PRIORITY OVERNIGHT

NT CHIA



60604

IL-US
ORD



Emp# 768730 02JUN11 SBNA 50CC1/0CB0/7EFB